

PROHIBITING DISCRIMINATION BASED ON SEXUAL ORIENTATION OR GENDER

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[Government Code § 12940](#)

It is unlawful and against Departmental policy to discriminate or harass any individual based upon his or her sexual orientation or perceived sexual orientation. Sexual orientation refers to an individual's physical or emotional attraction to the same and/or opposite gender. A person's sexual orientation is distinct from a person's gender identity and expression. Gay, lesbian, bisexual, or heterosexual are examples of sexual orientation.

It is unlawful and against Departmental policy to discriminate or harass any individual based upon his or her gender or gender identity. An individual's gender identity refers to a person's innate, deeply felt psychological identification as a man or woman which may or may not correspond to the sex assigned to them at birth. Transgender and non-gender conformity are examples of gender identity.

It is unlawful and against Departmental policy to discriminate or harass any individual based upon his or her gender expression. Gender expression refers to all the external characteristics and behaviors that are socially defined as either masculine or feminine, such as dress, grooming, mannerisms, speech patterns and social interactions. Cross-dressing is an example of gender expression.

Examples of discriminatory or harassing behavior include, but are not limited to:

- Disparaging remarks or teasing based on an individual whose mannerisms or appearance are perceived as not typical of his or her biological gender, i.e., a woman who has characteristics that are perceived as masculine such as facial hair, or a man who has characteristics that are typically considered feminine such as a high voice.
- Disparaging remarks or teasing based on a person's sexuality, perceived sexuality, physical characteristics, gender identity or gender expression;
- Jokes about gays, lesbians, bisexuals, heterosexuals, or transgenders;
- Refusal to hire or work with someone due to the perceived sexual orientation;
- Attempts at intimidation or bullying aimed at a person because of his or her sexual orientation, gender identity, or gender expression.

[\(see Next Section\)](#)

[\(see Handbook Table of Contents\)](#)

[\(see Forms and Form Samples\)](#)